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**HOUSE BILL 207**

**46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003**

**INTRODUCED BY**

Debbie A. Rodella

**AN ACT**

**RELATING TO PUBLIC SCHOOL TRANSPORTATION; PROVIDING FOR STATUS  
CHANGES FOR ONE-BUS CONTRACTORS; AMENDING A SECTION OF THE NMSA  
1978; DECLARING AN EMERGENCY.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. Section 22-16-3 NMSA 1978 (being Laws 1967,  
Chapter 16, Section 221, as amended) is amended to read:**

**"22-16-3. SCHOOL BUS SERVICE CONTRACTS. --**

**A. A school district may provide transportation  
services to students through the use of school bus service  
contracts. School districts may enter into school bus service  
contracts with individual school bus owner-operators or with  
school bus fleet owners or with both. A school district shall  
not enter into any school bus fleet service contract with any  
person who is simultaneously employed by that school district**

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1 as an individual school bus owner-operator.

2 B. All contracts entered into by a school district  
3 to provide school bus service to students attending public  
4 school within the school district shall be approved by the  
5 local school board. The contracts shall be in writing on forms  
6 approved by the state board.

7 C. In addition to approving the form of the  
8 contract, the state board shall, by regulation, establish the  
9 parameters of school bus service contracts to include  
10 recognition of fuel costs, operation and maintenance costs and  
11 employee salary and benefits costs. In entering into school  
12 bus service contracts, school districts shall give preference  
13 to in-state service providers and the use of multiple  
14 providers. Upon request, the department of education shall  
15 provide assistance to local school districts in the negotiation  
16 and award of school bus service contracts.

17 D. A school district may enter into a school bus  
18 service contract for a term not to exceed five years. A school  
19 bus service contract may provide, at the expiration of the term  
20 of the contract, for annual renewal of the school bus service  
21 contract on the same terms and conditions at the option of the  
22 local school board.

23 E. In the event a contract with a school bus  
24 operator is terminated, the buses owned by the operator that  
25 are used pursuant to his school bus service contract shall be

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1 appraised by three qualified appraisers appointed by the local  
2 school board and approved by the state transportation director.  
3 The operator succeeding to the contract shall purchase, with  
4 the approval of the operator whose contract was terminated, all  
5 of the buses owned by the former operator at their appraised  
6 value.

7 F. Notwithstanding any provision of the Procurement  
8 Code or any other provision of law to the contrary, a person  
9 who has a service contract as an individual school bus owner-  
10 operator may exercise an option to convert his contract to a  
11 school bus fleet operator contract without being required to  
12 submit to a competitive bidding process. "

13 Section 2. EMERGENCY.--It is necessary for the public  
14 peace, health and safety that this act take effect immediately.

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